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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/589,891

09/19/2007

Lars Christian Fabricius

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EXAMINER

SPORER, ERIC NOLAN

ART UNIT

PAPER NUMBER

4118

NOTIFICATION DATE

DELIVERY MODE

02/20/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/589,891	Applicant(s) FABRICIUS ET AL.	
	Examiner ERIC SPORER	Art Unit 4118	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>18 August 2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to the amendment filed on 18 August 2006. As directed by the amendment: claims 5-8 and 10-15 have been amended, and claims 17-20 have been added. Thus, claims 1-20 are presently pending in this application.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "cable glands" (claim 4) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. **Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading.** If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

2. Claim 5 objected to because of the following informalities: the term “a plurality of sealing members” already has antecedent basis. It is suggested the term “a plurality of sealing members” be changed to “the plurality of sealing members”. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language. This claim is an omnibus type claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

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not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 1-3, 6-9, 11 13-15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fabricius et al. (GB 2 376 066 A) in view of Morris (US Pat. 6,199,580).

8. Re claim 1, Fabricius et al. disclose a commissioning module 100 (Fig. 1) including an assembly of fluid control elements including a main fluid supply port 2 (Fig. 1), a main fluid return port 20 (Fig. 1), a first fluid distribution port 8/9/10 (Fig. 1) and a second fluid distribution port 25/26/27/28 (Fig. 1), the assembly of fluid control elements being operable to pass supply fluid from the main fluid supply port to the first fluid distribution port and to pass return fluid entering the second fluid distribution port to the main fluid return port, at a rate that may be varied by at least one of the fluid control elements 7 (Fig. 1), a plurality of lengths of conduit 11-14 and 31-34 (Fig. 1) connected to the ports of the assembly of fluid control elements. Fabricius et al. fail to disclose a housing enclosing the assembly of fluid control elements, the periphery of the housing including respective apertures through which pass the plurality of lengths of conduit, the housing being airtight except for the apertures in its periphery and a plurality of sealing members providing airtight seals between the apertures in the periphery of the housing and the respective lengths of conduit passing through the apertures.

Morris, however, teaches the use of a commissioning module 42 (manifold, Fig. 7) with a housing 10 (Fig. 7) enclosing an assembly of fluid control elements

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(unlabelled, Col. 4 Lines 64-65), the periphery 18 (Fig. 7) of the housing including respective apertures 50 a (Fig. 6) through which pass the plurality of lengths of conduit 64a (Fig. 7), the housing being airtight except for the apertures in its periphery and a plurality of sealing members 50 (Fig. 7) providing airtight seals between the apertures in the periphery 18 (Fig. 7) of the housing and the respective lengths of conduit passing through the apertures (Col. 5 Lines 15-19), for the purpose of providing a sealed box enclosing the valves to contain any leaks from the valve (Col. 1 Lines 12-16).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the commissioning module disclosed by Fabricius et al to include a housing enclosing the assembly of fluid control elements, the periphery of the housing including respective apertures through which pass the plurality of lengths of conduit, the housing being airtight except for the apertures in its periphery and a plurality of sealing members providing airtight seals between the apertures in the periphery of the housing and the respective lengths of conduit passing through the apertures, as taught by Morris, for the purpose of providing a sealed box enclosing the valves to contain any leaks from the valve

9. Re claim 2, the sealing members 50 (Fig. 6) taught by Morris include grommets (the sealing members are defined as grommets by lining inner surface hole 50a, see Fig. 6)

10. Re claim 3, the sealing members 50 (Fig. 6) taught by Morris include grommet sleeves 50 (the grommets are shown to be sleeve shaped, see Fig. 6).

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11. Re claim 6, 19 and 20, the sealing members 50 (Fig. 7) taught by Morris are positioned on the outer surface of the periphery 18 of the housing 22 (Fig. 7).

12. Re claim 7, Fabricius/Morris disclose the claimed invention except wherein the sealing members are positioned on the inner surface of the periphery of the housing. It would have been obvious to one having ordinary skill in the art at the time the invention was made to position the sealing members on the inner surface of the periphery of the housing, for the purpose of protecting the sealing surface from outside elements and tampering, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

13. Re claims 8 and 9, Fabricius et al. further disclose wherein the lengths of conduit include a resilient covering layer and wherein the resilient covering layer is a plastics material (Page 6 Lines 19-22, flexible plastics are resilient).

14. Re claim 11, the sealing members 50 (Fig. 6) taught by Morris are of a plastics material (Col. 4 Lines 18-26).

15. Re claim 13, the housing taught by Morris includes a lid 46 (cover panel, Fig. 7), sealing means 64 (Fig. 7) being included for effecting an airtight seal between the lid and the remainder of the housing 22 (Fig. 7), when the lid is fitted (Col. 4, Lines 54-58).

16. Re claim 14, Fabricius et al. further disclose the assembly of fluid control elements includes elements 16/18 (isolating valves, Fig. 1) operable to effect the flushing through of the assembly (see Abstract).

17. Re claim 15, Fabricius et al. further disclose wherein the assembly of fluid control elements includes: a plurality of fluid distribution valves 7/8/9/10/25/26/27/28 (Fig. 1) so

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connected together as to provide a first through-port communicating with a second through-port by way of a fluid passage, the fluid distribution valves including respective fluid outlet ports communicating with the fluid passage through fluid flow-control means (Page 1 Lines 14-19), a first isolating valve 2 (Fig. 1) including an inlet port and an outlet port, the outlet port being connected to the first through port (inlet of 7, Fig. 1) of the plurality of fluid distribution valves 7/8/9/10 (Fig. 1) and the inlet port providing a fluid supply port of the commissioning module 100 (Page 1 Lines 20-24), further isolating valve means 16 (Fig. 1) including an inlet port and an outlet port, the inlet port being connected to the second through-port of the plurality of fluid-distribution valves and the outlet port being connected to a combined fluid-exhaust port (outlet of 30) of the commissioning module 100 (Page 1 Lines 25-29), a plurality of fluid flow-regulating valves 25/26/27/28 (Fig. 1), the same in number as there are fluid-distribution valves, including respective inlet and outlet ports, the outlet ports being connected to the combined fluid-exhaust port (outlet of 30) of the commissioning module 100 (Page 1 Line 30-Page 2 Line2), a further fluid flow-regulating valve 30 (Fig. 1) connected between the combined fluid- exhaust port and a further fluid exhaust port of the commissioning module, flow-rate measuring means 29 (Fig. 1) connected between the further fluid flow-regulating valve and the combined fluid-exhaust port of the commissioning module and at least one drain-off cock 17 (Fig. 1) connected to permit the draining of fluid from the commissioning module (Page 2 Lines 3-10).

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18. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fabricius/Morris as applied to claim 1 above and further in view of Martin (US Pat. 3,246,917).

19. Re claim 4, Fabricius/Morris disclose the claimed invention except wherein the sealing members include cable glands. Martin, however, teaches the use of sealing members including cable glands 11 (Fig. 1), for the purpose of providing a positive barrier against the entry of fluids and other contaminants between the casing 12 (Fig. 1) and the pipe 13 (Fig. 1, Col. 2 Lines 68-71). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the sealing members disclosed by Fabricius et al. to include cable glands, as taught by Martin, for the purpose of providing a positive barrier against the entry of fluids and other contaminants between the casing and the pipe.

20. Claim 5, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fabricius/Morris as applied to claims 1, 2 and 3 above and further in view of Campbell (US Pat. 5,824,974).

21. Re claims 5, 17 and 18, the combination of Fabricius/Morris discloses the claimed inventions except wherein the plurality of sealing members are merged into a layer of resilient material. Campbell, however, teaches the use of a plurality of sealing members 14/14'/14" (grommets, Fig. 1) merged into a layer of resistant material for fastening accessories to an insulating layer and for sealing from the outside environment (Col. 1 Lines 14-16), and for passing sleeves though a barrier wall (Abstract). Therefore, it would have been obvious to a person having ordinary skill in

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the art at the time the invention was made to modify the plurality of sealing members of Fabricius/Morris Jr. to be merged into a layer of resilient material, as taught by Campbell, for the purpose of fastening accessories to an insulating layer and for sealing from the outside environment and for passing sleeves through a barrier wall.

22. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fabricius and Morris as applied to claim 8 above and further in view of Fukushima et al. (US Pat. 4,146,562).

23. Re claim 10, the combination of Fabricius/Morris discloses the claimed invention except wherein the resilient covering layer is of a foamed material. Fukushima et al., however, teach the use of a conduit 7 (Fig. 2) coated with foamed plastics 8 (Fig. 2) in order to obtain thermal insulation, lightness of weight and waterproofness (US Pat. 4,146,562). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the resilient covering layer of Fabricius/Morris to be of a foamed material, as taught by Fukushima et al., to obtain thermal insulation, lightness of weight and waterproofness.

24. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fabricius and Morris as applied to claim 1 above and further in view of Crossdale et al. (US Pat. 5,597,021).

25. Re claim 12, the combination of Fabricius/Morris discloses the claimed invention except wherein the sealing members are of a foamed material. Crossdale et al., however, teach the use of sealing members 13 (Fig. 3) of a foamed material for the purpose of creating an airtight connection (Col. 3 Lines 22-23). Therefore, it would have

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been obvious to a person having ordinary skill in the art at the time the invention was made to modify the sealing members disclosed by Fabricius/Morris Jr. to be of a foamed material, as taught by Crossdale et al., for the purpose of creating an airtight connection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC SPORER whose telephone number is 571-270-7834. The examiner can normally be reached on Monday - Friday, 9 AM - 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Quang Thanh can be reached on (571)272-4982. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERIC SPORER/
Examiner, Art Unit 4118

/Quang D. Thanh/
Supervisory Patent Examiner, Art
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